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SENATE

{ REPORT
No. 1961

KATHARINA HOFFMANN

JUNE 27, 1952.—Ordered to be printed

Mr. McCARRAN, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 6945]

The Committee on the Judiciary, to which was referred the bill (H. R. 6945) for the relief of Katharina Hoffmann, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to enable the German fiancée of a United States citizen serviceman to enter the United States for the purpose of marrying her citizen fiancé and to thereafter reside in the United States.

STATEMENT OF FACTS

The beneficiary of the bill is a native and citizen of Germany and she is engaged to Harry Dwayne Lantz, who is a citizen member of our Armed Forces.

Congressman Harley O. Staggers, the author of the bill, submitted the following statement to the Committee on the Judiciary of the House of Representatives:

STATEMENT OF HARLEY O. STAGGERS, MEMBER OF CONGRESS, BEFORE THE HOUSE JUDICIARY COMMITTEE

Mr. Chairman and members of the committee, I urge enactment of H. R. 6945, to facilitate the admission into the United States of Katharina Hoffmann, the German fiancée of Harry Dwayne Lantz, a member of our Armed Forces.

This bill provides that Katharina Hoffmann shall be eligible for a visa as a nonimmigrant temporary visitor for a period of 3 months, provided that the administrative authorities find Katharina Hoffmann is coming to the United States with a bona fide intention of being married to Harry Dwayne Lantz and that she is found otherwise admissible under the immigration laws.

If further provides that if the marriage between the above-named parties does not occur within 3 months after the entry of Katharina Hoffmann, she shall be required to depart from the United States and upon failure to do so shall be deported. In the event the marriage should occur within 3 months after her entry, the Attorney General would be authorized to record the lawful admission for permanent residency of Katharina Hoffmann as of the date of the payment by her of the required visa fee and head tax.

At the present time the visa files of the consulate general indicate that Miss Hoffmann is registered on the waiting list of intending immigrants under the German quota in the nonpreference category as of November 28, 1951. As a nonpreference applicant with such a late date of registration she will encounter an indefinite waiting period, perhaps of lengthy duration, before her turn is reached for an interview and medical examination to determine her eligibility for admission to the United States.

However, in the event the above legislation is enacted in behalf of Miss Hoffmann to provide for her entry into the United States for the purpose of marrying Mr. Lantz, the consular officer concerned will be notified and he will give appropriate consideration to Miss Hoffmann's case in the light of the terms of the private law.

For the above reason, I respectfully ask that H. R. 6945 be approved by your committee.

Congressman Staggers also submitted the following letters in connection with the bill:

DEPARTMENT OF STATE,
Washington, February 21, 1952.

The Honorable HARLEY O. STAGGERS,
House of Representatives.

MY DEAR MR. STAGGERS: I have your letter of February 15, 1952, with which you enclosed the attached communication from Mr. Vernon E. Rankin, attorney and counsellor at law, Keyser, W. Va., concerning his interest in the desire of Mr. Harry Dwayne Lantz of Wiley Ford, W. Va., who is serving in the Armed Forces of the United States, to have a visa issued to his fiancée, Miss Hoffman, a resident of Germany, in order that she can come to the United States to marry him.

When Mr. Rankin recently visited my office I explained that under existing law Mr. Lantz's fiancée can be considered only as a nonpreference quota immigrant unless he should proceed abroad, marry her there and obtain the approval of a visa petition according her nonquota status as the wife of an American citizen.

I also mentioned during the interview that after the expiration on September 21, 1949, of the special legislation enacted by Congress to facilitate the entry into the United States of the fiancées of World War II service personnel (act of June 29, 1946, as amended) a number of private bills containing similar provisions were passed by the Congress for the relief of individual fiancées and I suggested to Mr. Rankin that he might wish to explore the possibility of having such a bill introduced in the Congress on behalf of Miss Hoffman. I enclose copies of several of such bills for your convenient reference.

In the event such legislation is enacted on behalf of Miss Hoffman to provide for her entry into the United States for the purpose of marrying Mr. Lantz, the consular officer concerned will be notified and he will give appropriate consideration to Miss Hoffman's case in the light of the terms of the private law.

Sincerely yours

H. J. L. L'HEUREUX,
Chief, Visa Division.

Enclosures:

1. From Mr. Rankin, February 11, 1952.
2. Copies of Private Laws 53, 69, 129, and 163, Eighty-second Congress.

THE FOREIGN SERVICE OF THE UNITED STATES OF AMERICA,
AMERICAN CONSULATE GENERAL,
Frankfort on the Main, Germany, December 14, 1951.

The Honorable HARLEY O. STAGGERS,
House of Representatives.

MY DEAR MR. STAGGERS: I am in receipt of your letter of December 3, 1951, with its enclosures, affidavits of support with substantiating documents, in duplicate, relative to the immigration visa application of Miss Katharina Hoffmann, the fiancée of Mr. Harry Duaine Lantz of Wiley Ford, W. Va.

The visa files of the consulate general indicate that Miss Hoffman is registered on the waiting list of intending immigrants under the German quota in the non-preference category as of November 28, 1951. As a nonpreference applicant with such a late date of registration she will encounter an indefinite waiting period, perhaps of lengthy duration, before her turn is reached for an interview and medical examination to determine her eligibility for admission to the United States.

Should Mr. Lantz proceed abroad and marry Miss Hoffmann, she would be eligible to receive nonquota status as the alien wife of an American citizen. However, consular officers are not able to consider applications for nonquota immigration visas from wives of American citizens merely upon proof or evidence of marriage. After the marriage, the American citizen husband must execute Department of Justice Form 1-133, "Petition for Issuance of Immigration Visa," and forward it to the Office of the District Director of the Immigration and Naturalization Service having jurisdiction over his place of residence, which in Mr. Lantz's case is located at Baltimore, Md. Upon approval of the petition, one copy would be forwarded to this office, thereby entitling the wife to nonquota status for an immigration visa to the United States.

Although an American citizen husband by executing Form 1-133 is able to establish nonquota status for his wife, this would not guarantee that she would receive a visa. She must be examined by a consular officer who takes her application to determine whether she is eligible for admission to the United States under the immigration laws and regulations.

In several instances wives of American citizens, whose husbands had proceeded to Germany to marry them and establish their nonquota status, were found to be excludable for various reasons, such as having been convicted of a crime involving moral turpitude (for example, a previous conviction of theft or fraud regardless of the circumstances or the amount involved); medically inadmissible as determined by the United States Public Health Service (for example a person afflicted with tuberculosis, or a loathsome or dangerous contagious disease); or an alien whose entry is deemed to be prejudicial to the interests of the United States (for example, a person involved to an extent in the activities of a totalitarian party or its affiliated organizations which would exclude him pursuant to the provisions of the act of October 16, 1918, as amended, and as clarified by the act of March 28, 1951).

Should Mr. Lantz proceed to Germany and marry Miss Hoffmann, he should realize that the consulate general is not in a position to determine definitely her admissibility to the United States until such time as she makes formal application for an immigration visa. It should be understood by Mr. Lantz and his fiancée that the approval of the petition, form 1-133, granting nonquota status to the wife of an American citizen, merely establishes nonquota status. Whether she may actually receive a nonquota immigration visa can be determined only after consideration of a formal application in the light of evidence available at that time under current immigration laws and regulations. Cases arise where an applicant on preliminary examination appears to be admissible but when the final application is being considered, additional factors enter, for example, evidence of a conviction for theft not known or not available to the consular officer at the time of preliminary examination. Emphasis is again drawn to the statements in the preceding paragraph.

I wish to assure you that Miss Hoffmann is being accorded every consideration consistent with the existing immigration laws and regulations, and that your interest in her case will be borne in mind.

Sincerely yours,

BYRON B. SNYDER,
American Consul
(For the Consul General).

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 6945) should be enacted.

